



General Assembly

January Session, 2005

Raised Bill No. 1102

LCO No. 3645

03645_____TRA

Referred to Committee on Transportation

Introduced by:
(TRA)

***AN ACT CONCERNING ENFORCEMENT OF MANDATORY
INSURANCE REQUIREMENTS FOR MOTOR VEHICLES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-12c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 The commissioner may at any time require any owner of a private
4 passenger motor vehicle or a vehicle with a commercial registration, as
5 defined in section 14-1, to submit further information to verify the
6 required security coverage within the time specified by the
7 commissioner. If the commissioner is unable to verify the insurance
8 information furnished, the commissioner shall, unless such registrant
9 has been reported as cancelled in accordance with sections 38a-343,
10 38a-343a, 14-12c and 14-12f to 14-12i, inclusive, afford such owner an
11 opportunity for a hearing in accordance with chapter 54 to determine
12 whether such owner's application for registration contains a material
13 false statement or whether he has failed to continuously maintain the
14 security required under section 38a-371. If the commissioner finds that
15 the owner did not have the required security in effect on the date of
16 registration, or that such owner presented a false or fraudulent

17 insurance identification card to the commissioner, the application for
18 registration shall be deemed to contain a material false statement. Any
19 registration issued as a result of such application shall be void from the
20 date of issue and the registration number plates shall be surrendered
21 to the commissioner or [shall be subject to confiscation in accordance
22 with the provisions of section 14-12h] the commissioner shall issue a
23 notice of suspension of the registration in accordance with the
24 provisions of section 14-12g, as amended by this act. If the
25 commissioner finds that the owner had the required security in effect
26 at the time such application was submitted but failed to maintain it
27 continuously during the registration period, [he] the commissioner
28 shall [cancel any registration issued as a result of such application and
29 the registration number plates shall be surrendered to the
30 commissioner or shall be subject to confiscation in accordance with the
31 provisions of section 14-12h. No new registration for any motor
32 vehicle, the registration of which has been cancelled under this section,
33 may be obtained except as provided by section 14-12h] issue a notice of
34 the suspension of the registration in accordance with the provisions of
35 section 14-12g, as amended by this act.

36 Sec. 2. Section 14-12g of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective October 1, 2005*):

38 (a) When a private passenger motor vehicle liability insurance
39 policy has been cancelled and the Commissioner of Motor Vehicles
40 determines that the owner of a registered motor vehicle is in violation
41 of the mandatory security requirements of sections 14-12c and 38a-371,
42 the commissioner shall issue to such owner a notice of [cancellation]
43 suspension of the registration involved. [The notice shall contain a
44 statement, in not less than fourteen-point type, that (1) after such
45 cancellation of registration is final and effective such motor vehicle
46 shall be subject to seizure, impoundment and potential forfeiture if
47 observed being operated upon the public highway or if observed
48 parked in any parking area, as defined in section 14-212, and (2) the
49 owner may return the number plate or plates and registration

50 certificate for such vehicle to avoid potential impoundment and
 51 suspension of the owner's motor vehicle operator's license pursuant to
 52 subsection (c) of this section. Such cancellation shall be final and
 53 effective fourteen days from the date of mailing of such notice. If a
 54 registered owner to whom such notice of cancellation was issued
 55 contends that, notwithstanding the determination of the Commissioner
 56 of Motor Vehicles, he has continuously maintained required coverage
 57 throughout the period of his registration, such owner may contact the
 58 Department of Motor Vehicles by telephone at a special number to be
 59 provided, not less than two days before the effective date of the
 60 cancellation of the registration to request an administrative hearing to
 61 be conducted in accordance with the provisions of chapter 54. Upon
 62 such request, the cancellation of the registration shall be stayed
 63 pending the final decision. The hearing shall be scheduled promptly
 64 and shall be strictly limited to the issues of (A) whether the respondent
 65 is the registered owner of the motor vehicle or vehicles subject to the
 66 mandatory security requirements, and (B) whether the respondent has
 67 failed to continuously maintain the required insurance coverage
 68 throughout the registration period. Unless the Commissioner of Motor
 69 Vehicles or his designated hearing officer finds in the negative on one
 70 of the hearing issues, the cancellation of the registration shall be
 71 affirmed. The Commissioner of Motor Vehicles shall render a final
 72 decision and shall mail such decision to the respondent not more than
 73 thirty days after the conclusion of the hearing. The cancellation of
 74 registration shall be effective three days after the date of the mailing of
 75 the final decision.]

76 (b) [Before such cancellation is final and effective, if] If a registered
 77 owner to whom notice of [cancellation] suspension was issued
 78 pursuant to subsection (a) of this section does not contest the
 79 determination that he or she has failed to maintain mandatory
 80 security, the commissioner may enter into a consent agreement with
 81 the owner, provided the owner presents satisfactory evidence of
 82 mandatory security and pays a civil penalty of [one] two hundred
 83 dollars. The consent agreement shall provide that the registration of

84 the motor vehicle shall not be [cancelled] suspended or shall not
 85 remain under suspension pursuant to subsection (a) of this section
 86 unless (1) the commissioner determines that on or after the effective
 87 date of the consent agreement the owner failed to continuously
 88 maintain the required security, and (2) the owner cannot establish to
 89 the satisfaction of the commissioner that [he] the owner continuously
 90 maintained the required security after said effective date. Such consent
 91 agreement shall not operate to prevent the commissioner from
 92 cancelling, suspending or revoking a registration pursuant to any
 93 other provision of the general statutes.

94 (c) The [Commissioner of Motor Vehicles] commissioner may
 95 suspend the motor vehicle operator's license of any person whose
 96 registration has been [cancelled] suspended in accordance with the
 97 provisions of subsection (a) of this section, or section 14-12c, as
 98 amended by this act, and who, [within] not later than thirty days [of]
 99 after the date of such [cancellation] suspension, has not [returned the
 100 number plate or plates and registration certificate or obtained a new
 101 registration for] entered into a consent agreement in accordance with
 102 the provisions of subsection (b) of this section, as amended by this act,
 103 cancelled the registration or transferred ownership of the motor
 104 vehicle. Any person aggrieved by the decision of the commissioner to
 105 suspend his license under this subsection shall, prior to the effective
 106 date of such suspension, be afforded an opportunity for a hearing in
 107 accordance with the provisions of chapter 54.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2005</i> | 14-12c |
| Sec. 2 | <i>October 1, 2005</i> | 14-12g |

Statement of Purpose:

To permit the Department of Motor Vehicles to suspend, instead of cancel, a motor vehicle registration for failure to maintain the required insurance and to increase the fee from one hundred to two hundred

dollars to enter into a consent agreement on failure to maintain required insurance.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]